

APPENDIX 1

Department of Ecology: Responses to “Letter to Reviewers” Questions for draft 12/09/11 Puget Sound Action Agenda

1) Strategies and sub-strategies. In general terms, the update to the Action Agenda provides considerably more logic and rationale for advancing needed action for Puget Sound recovery than the previous version. As proposed, the strategies and sub-strategies provide a sufficient framework to advance regional recovery, but the plan can benefit from simplification. Two suggestions to improve the framework are:

- a) Simplify the overall framework (e.g., combine sub-strategies), to help refine, focus and elevate priority actions.
- b) Build into the framework an expression of benchmarks; the needed milestones that demonstrate progress toward the 2020 goals. These can be policy and/or environmental outcomes, but there is a need to understand whether we are making progress on the recovery arc.

2) Proposed near-term actions. The proposed NTAs require additional refinement to accomplish the “change agenda” needed at this point in the recovery trajectory. General comments on draft NTAs include the following:

- a) We support PSP’s acknowledgment of the need to “winnow down” the number of NTAs by eliminating some and combining others. Ecology provides several recommendations in the attached appendix to help achieve this objective.
- b) It is not clear the difference between ongoing work and NTAs. Some NTAs are characterized as ongoing work. For example, completing the PAH CAP in 2012 is a NTA, but developing rules by December 1, 2012 to implement the state law relating to brake friction material is not. Need to understand the rationale of such decisions. We would like the opportunity to work with PSP to help determine how to appropriately sort such actions.
- c) In some instances, jointly developed NTAs that would add value are missing. Specifically, several NTAs pertaining to toxics cleanup worked by PSP and Ecology staff last August are not included. These NTAs relate primarily to C11.2 and are detailed in the appendix.

3) Presentation of ongoing programs. Ecology supports including key ongoing programs in the Action Agenda. Some of the current descriptions in the draft can be enhanced, but we believe the inclusion of the concept is important and can serve as a placeholder to advance the broader recovery conversation. Additional rationale for inclusion of ongoing programs includes the following:

- a) Ongoing programs provide the foundation for Puget Sound recovery, and these programs can benefit from improved implementation. Despite repeated calls to eliminate “low priority” programs, there has not yet been evidence to support such calls for specific program elimination.
- b) Ongoing programs are not static. Many key programs are required to incorporate significant improvements (i.e., “adaptive management” writ large) that can greatly enhance our ability to protect and restore Puget Sound. Such significant changes should be acknowledged, not just as an “ongoing program”, but as part of the change agenda. Two good examples are required updates to Shoreline Master Programs and improving the municipal stormwater permit requirements.

- c) The sections that describe “Ongoing Programs” may provide a good place to describe policy benchmarks (i.e., milestones) to track progress toward the 2020 recovery goal. For example, reissuance of municipal stormwater permits in 2012 (effective date 2013) and subsequent reissuance in 2017 is critical to addressing the leading pollution concern from urbanized areas of the Sound.
- d) On the topic of assessing ongoing programs relative to NTAs, Ecology believes this analysis is a prudent long-term objective, but believes it is not advisable at this time for at least two key reasons: 1) Comparing long-standing programs (e.g., NPDES permitting, toxics cleanup, etc.) with proposed NTAs is often an “apples and oranges” comparison given the more additive and/or planning nature of current NTAs; and, 2) The necessary analysis of ongoing programs’ effectiveness (including barriers) has not been completed. Over time, PSP should have the ability more effectively express a list(s) of relative priority actions but much work remains before such a list can be credibly developed.

4) Target views and results chain diagrams. It is not possible to definitively state we have all we need to reach recovery targets, but the proposed strategies, sub-strategies and NTAs – supplemented with better characterization of key ongoing programs – provide a sufficient framework to have the discussion. In addition:

- a) We believe the results chains are important to “show your work” and document the logic behind the strategies. However, they are difficult for the average reader to follow or understand. We suggest placing the results chains in an appendix.
- b) The primary gaps we see are the absence of key benchmarks that describe the environmental and/or policy milestones needed over the next eight years to achieve the 2020 recovery goal.
- c) We support the presentation of target views help to focus the public and decision makers on the key elements of the Action Agenda: Specifically, what we are managing toward (i.e., targets) and the primary means we use to get there (i.e., strategies and sub-strategies). Again, adding in benchmarks will complete the picture.

5) Proposed approach to prioritization. Generally, Ecology believes PSP proposes a framework that, if modified, can be sufficient to provide a relative ranking of NTAs. While no prioritization process is perfect, the proposed process is a significant improvement over the initial Action Agenda, which did not have a transparent, public process. Ecology’s specific comments on the approach to prioritization include the following:

- a) Given the subjectivity inherent in any prioritization process, we believe it critical to beta test the tool to determine its relative accuracy. For example, a prioritization process that ranks stormwater management as a low priority would indicate a flawed tool, based on the empirical evidence showing that pressure as the leading source of pollution to Puget Sound.
- b) Clarifying how the prioritization process will work is critical. Simple addition of scores will not suffice, as a project that ranks high on all criteria but is technically infeasible, should not result in a priority ranking. As proposed by PSP staff, priorities should be set based on weighted scores. For example, more data driven criteria (e.g., cost, feasibility, ability to make an environmental difference) should be worth more than those that are more ambiguous or subjective (e.g., public support, equity).
- c) Ecology supports PSP and EPA’s suggestion to simplify the response scale to “High, Medium and Low” and to eliminate the percentage ratings. It would very difficult – likely impossible – to rate pressure reductions so specifically, which also would provide a false sense of accuracy.
- d) There has been considerable discussion about having “scientists” score the “scientific questions” and policy folk score the remaining. While there is considerable subjectivity in such an exercise (i.e., difficult to

parse out whether a question is pure science or pure policy, scientists are not completely objective, etc.), Ecology sees value in have a more “scientific” group respond to the more “science-based” questions and policy makers respond to the remaining questions. Ecology supports asking the Independent Science Panel and a select group of scientists representing the broader interests of the Management Conference to perform this task. Whether these processes happen sequentially or concurrently is of less import than being able to parse out the “science” responses from those of policy makers. Providing transparency for this process will be of great value to the prioritization discussion.

- e) We understand that there have been requests for a single priority list of all NTAs. If PSP chooses to do this, we also encourage PSP to have the ability to divide this list by strategy (A-D). That way, entities who believe a single prioritized list is meaningless will also have access to more meaningful prioritized lists by strategy.
- f) With regard to planning-based NTAs (i.e., “provides guidance”, “assesses”, “evaluates”, “identify”, “convene”, “recommend”, “prioritize” etc), it is important to understand whether a reviewer bases the answer on the assumption that the plan will be implemented (even though the NTA doesn’t state this). Or should every planning NTA be evaluated based solely on the development of a plan (e.g. 0% environmental benefit for Question 1)?
- g) In regards to the specific prioritization questions, we offer the following:
 - Questions 1 and 2 (contribution to ecosystem recovery, potential contribution to recovery targets) are similar in nature, so PSP could consider combining. Generally, the criteria of ecological contribution are paramount, so Ecology supports this critical criterion.
 - Question 3 (expected effectiveness) also is an important concept. As discussed previously, there is value in understanding the effectiveness of ongoing programs, so we encourage PSP to use this criterion and develop assessment tools to gage the effectiveness of specific actions.
 - Question 4 (geographic extent of benefit) is difficult to assign weight given that an action that effectively addresses significant local impacts may be of greater value than an action that somewhat addresses insignificant regional impacts. Generally, this is a good criterion, but PSP needs to determine how to address this dynamic in the weighting formula.
 - Question 5 (“Extent this action prevents loss of key ecological attributes of the main ecosystem component benefiting from the action”) is confusing. Suggest eliminating or clarifying as current language will likely lead to unreliable answers.
 - Question 6 (ability of action to contribute to human well being) is ambiguous and may manifest responses similar to question 11 (public support).
 - Question 7 (contribution to economic health) is ambiguous. A very weak NTA that is barely felt sound-wide and provides a minor contribution to four categories of human-well being, and contributes a minor amount to economic health (via environmental health) would unfortunately score very well. Furthermore, the “high” category is more stringent than the “very high” category – “clear positive contribution” versus “contribution”. Many will say that any NTA that protects Puget Sound would contribute to all aspects of economic health. People who are more discerning will have their NTAs rated lower. PSP needs to be clear if this includes indirect economic health or just direct economic health.
 - Question 8 (relative cost): To make this simpler, it should be clear that this is just additional cost, not current expenditures (and not current expenditures + additional cost).
 - Question 9 (technical feasibility) is a good criterion.

- Question 10 (readiness to implement) may create confusion as many NTAs are planning exercises. Are you asking about readiness to plan, or readiness to implement after the NTA of planning is done? And if readiness to implement, why planning? One possible approach is to ask: “Is this NTA a plan, an action that is not ready yet, or an action that is ready?”
- Question 11 (public support) will be data poor. As such, it will be extraordinarily subjective. However, the question serves in many ways as a surrogate for social-political dynamics that can pose significant barriers to advancing certain recovery and protection actions. Need to assign weighting accordingly.
- Question 12 (equity): Some NTAs benefit from an equity ranking (e.g., stormwater), but others will benefit when costs are disproportionately born by the most responsible party. Many environmental programs currently follow this “polluter pays” philosophy (e.g., permit fees, MTCA, superfund, e-cycling, etc.). Again, need to consider how this will affect weighting.

Strategic Initiatives. A final key focal area – not specifically called out in the “Letter to Reviewers” – is the proposed organizing approach of “Strategic Initiatives.” We agree with PSP’s proposal that strategic initiatives “...will allow more focused attention on actions that address priority pressures to Puget Sound health. The focused attention will allow the Partnership to encourage, track and deliver progress at a substantial level.” We offer the following thoughts on the proposed strategy initiatives:

- *Protection of habitat in support of salmon recovery.* This initiative speaks clearly to the “no net loss” promise in state shoreline law and is the premise of the Chinook recovery plan. Absent our ability to “stop the bleeding” we will not achieve our 2020 recovery goal. This initiative also has the prospect of helping address concerns raised by tribal nations in their white paper *Treaty Rights at Risk*.
- *Prevention of water pollution from urban stormwater runoff.* As confirmed by the Puget Sound Toxics Loading Study, polluted runoff from urban areas is the principal pollution threat to the sound. Stormwater has been – and will continue to be – a challenging, costly and vitally important issue to more effectively address. Consequently, Ecology supports elevating this issue as a strategic initiative.
- *Protection of water quality and nearshore habitat from rural and agricultural runoff.* In a practical sense, the focus and urgency created by the Washington Shellfish Initiative is a way to express and capitalize on this effort (note: it is critical to keep in mind that the WSI includes the coast). Protecting shellfish has long been a Puget Sound priority and with the recent announcement of the WSI provides additional profile to this work. As such, we believe it important to advance key actions of the initiative, including the multi-agency Pollution Control Action Team, the formation of the Blue Ribbon Panel on Ocean Acidification and the commitment to efficient and effective permitting of shellfish aquaculture. To ensure key WSI actions are incorporated into the final Action Agenda, Ecology would like to work with PSP to craft appropriate NTAs.